

SPECIAL COMMITTEE
ON
PRISONS



INTERIM REPORT TO THE
1987 GENERAL ASSEMBLY
OF NORTH CAROLINA
1988 SESSION

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NORTH CAROLINA GENERAL ASSEMBLY

May 11, 1988

To the Honorable Robert B. Jordan, III., Lieutenant Governor, and the Honorable Liston B. Ramsey, Speaker of the House of Representatives, and Members of the 1988 General Assembly.

Transmitted herewith is the interim report of the findings, conclusions, and recommendations of the Special Committee on Prisons. The Committee has been authorized to continue its work and to submit a final report to the 1989 Session of the General Assembly.

The work of the Committee was authorized by the Lieutenant Governor and the Speaker of the House of Representatives and was performed in accordance with their instructions.

Respectfully submitted,

David R. Parnell
Senator David R. Parnell

Annel Barnes
Representative Anne C. Barnes

PREFACE

The Special Committee on Prisons was established by Lieutenant Governor Jordan and Speaker Ramsey in December 1985.

The letters authorizing the original Committee instructed it to 1) examine the various prison units located throughout the State and report on what should be done to upgrade the physical facilities to meet federal guidelines, if any, and, 2) review the overall corrections system to identify problems resulting from overcrowding, pending litigation, and other issues pertaining to the operation of prisons in North Carolina. The Committee was instructed to work with the Attorney General, the State Auditor, the Department of Correction and other State agencies involved in programs affecting the prison population. The Committee submitted to the 1986 Session of the General Assembly an Interim Report which contained specific recommendations for program and capital improvements. A second report contained additional recommendations for consideration by the 1987 Session of the General Assembly.

In October, 1987, Lieutenant Governor Jordon and Speaker Ramsey reauthorized the Special Committee on Prisons. (See Appendix I.)

The Committee consists of ten members with five members of the Senate appointed by the Lieutenant Governor and five members of the House of Representatives appointed by the Speaker of the House. A list of the membership and staff of the Committee is shown in Appendix II.

Since its reauthorization, a total of four one-day meetings have been held. The Committee has heard presentations from legislative staff, the Office of State Budget, the Office of the Attorney General, the Department of Correction, the Judicial Department, the Department of Crime Control and Public Safety, the Department of Human Resources, the Department of Community Colleges, and the North Carolina Association of County Commissioners. A list of persons appearing before the Committee is shown in Appendix III and written information presented to the Committee is listed in Appendix IV. Minutes of all Committee meetings are available in the Legislative Library.

The Committee recommended various changes and appropriations to the 1986 and 1987 Sessions of the General Assembly. A listing and discussion of the recommendations that the Committee will present to the 1988 Session of the General Assembly begins on Page 14.

BACKGROUND

From 1974 to 1984, \$101,679,054 was appropriated for new capital construction projects for the North Carolina prison system. A total of 3,604 new beds were constructed and an additional 1,280 beds were obtained through the conversion of facilities transferred from the Department of Human Resources to the Department of Correction.

The Department of Correction has had several major lawsuits filed against it during the 1980's alleging that the State operates prisons which have unconstitutional conditions of confinement. In June, 1985, the General Assembly appropriated \$12,500,000 to improve conditions at facilities located in the South Piedmont Area of the Department of Correction. In September 1985, a consent agreement was reached with plaintiffs from that area. The funds were expended primarily to eliminate triple-bunking in sleeping areas by constructing five one-hundred bed dormitories, improve ventilation, lighting, heating, and smoke detection in dormitories, construct recreational facilities, improve medical care, provide adequate clothing and bedding, establish full-time educational, vocational, and work programs for 80% of the inmates, and provide additional staff for supervising inmates.

There are five other geographic areas in which the Department of Correction operates prison facilities, and by 1985 widespread recognition existed that a thorough review of the correctional system was needed to identify problems resulting from overcrowding, pending litigation, and aging physical facilities. The Special Committee on Prisons was established to conduct this review and make recommendations to the General Assembly.

The Department of Correction formulated a Ten-Year Plan and presented it in March, 1987⁶ to the Committee. The plan included \$203,000,000 for construction and operation of additional beds and for implementation of more community alternatives. It was believed that before expending such large amounts of taxpayers' money on capital construction to continue to incarcerate those convicted of non-violent crimes, there was a need to plan very thoroughly for improvements in the existing correctional system and for developing additional alternatives to incarceration. The recommendations from the Committee to the 1986 Session of the General Assembly reflected this intent in the prudent balance of capital items to renovate existing units and construct new beds, where necessary, and program items to expand existing community alternative punishment options.

The total amount of funding requested by the Committee for FY 1986-87 was \$22,454,014 (\$13,660,348 - Capital; \$6,293,666 - Operating; and \$2,500,000 - Reserve). The General Assembly appropriated \$22,485,648 (\$14,521,448 - Capital; \$5,464,200 - Operating; and \$2,500,000 - Reserve).

The Committee was reauthorized in July, 1986 and continued its study of the State prison system, community-based programs, and the judicial system. The consistent approach of the Committee has been to keep apprised of the lawsuits filed against the Department of Correction and to develop a plan of action to meet those requirements, while providing measures to offer punishment options appropriate to the type of offenses committed.

The total amount of funding recommended by the Committee to the 1987 General Assembly for FY 1987-88 was between \$50,843,144 to \$54,543,144 (\$3,047,544 - Operating; \$47,795,600 to \$51,495,600 - Capital). The General Assembly appropriated an Expansion Budget of \$9,187,626 for operating and \$21,890,690 for capital projects.

It has become increasingly evident that a fragmented approach toward funding the criminal justice system is not working in North Carolina. In February, 1987 a proposal was made by the Co-Chairmen to the Special Committee on Prisons that it examine the criminal justice system for long-term solutions and improvements. This would be accomplished by

"examining the strengths and weaknesses of our existing goals, policies, and programs, or redefining goals and policies where needed, and on developing a more comprehensive criminal justice system". (See Appendix V.) On March 10, 1987, Lieutenant Governor Jordan and Speaker Ramsey expanded the charge of the Special Committee on Prisons to include those areas of study in the proposal adopted by the Special Committee on Prisons on February 12, 1988. (See Appendix VI.) A final report will be made to the 1989 Session of the General Assembly.

COMMITTEE PROCEEDINGS

January 14, 1988

Franklin Freeman, Administrative Officer of the Courts, discussed the progress of the Study of Presentence Reports in North Carolina. He discussed the following main points:

Current use of written and oral presentence reports
in North Carolina

Case data

Presentence reports in other states

Presentence reports in the federal courts

Opinion survey data

Legal issues and restrictions regarding contents

Preparation, and use of presentence reports

Analysis of the data collected, costs,
and personnel needs

Recommendations.

Mr. Freeman finished with a discussion of intensive probation.

The Committee then heard from George Barnes, Assistant Director, Division of Adult Probation and Parole. Mr. Barnes presented information on the Intensive Probation/Parole Supervision Program and on the House Arrest Program.

Buddy Humphrey, Budget Analyst of the Office of State Budget and Management, made a presentation concerning the planning process for satellite jails. He stated that the primary goals of the process are as follows:

1. To encourage counties to accept responsibility for incarcerated misdemeanants;
2. To assist counties in providing suitable facilities for certain incarcerated misdemeanants;
3. To allow more misdemeanants who are employed at the time of sentencing to retain their jobs;
4. To enable misdemeanants to pay for their upkeep while serving time, pay restitution, and stay near and support their families;
5. To provide more appropriate cost effective housing and to utilize vacant buildings suitable for renovation;
6. To provide a rehabilitative atmosphere for nonviolent misdemeanants; and,
7. To encourage the use of alternatives to incarceration programs.

Les Stevens, Budget Analyst of the Office of State Budget and Management, reported on new construction and renovation projects.

Finally, Dr. Neill McLeod, Associate Executive Vice President of the Department of Community Colleges, appeared on

behalf of Dr. Edward Wilson and introduced Monroe Waters of the Department of Correction and Jennie Lancaster, Harry Ballard, and Lynn Phillips of the Division of Prisons. Dr. McLeod, Ms. Lancaster, and Mr. Ballard then reported on the progress in developing a master plan for academic and vocational education services for inmates.

February 12, 1988

Representative Anne Barnes, Co-Chairman, began this meeting with a discussion of the proposed standards for minimum security jails which include both state-funded and nonstate-funded satellite jails. Carolyn Wyland of the Fiscal Research Division then presented information on the current jail standards. Patrice Roesler, Director of Intergovernmental Programs of the North Carolina Association of County Commissioners, compared the proposed standards for minimum security facilities with existing standards for local confinement facilities. Ms. Roesler described the concerns of the Association with the proposals.

The Committee then discussed the proposed standards and inquired as to who developed the regulations. Ernest Phillips, Deputy Director of the Division of Facility Services, responded by stating that a task force appointed by the Secretary of the

Department of Human Resources had written the regulations. Mr. Phillips then answered questions, concerning the proposed new standards. Following this, Carolyn Wyland presented a comparison of the proposed standards for minimum security units with the proposed standards for satellite state-funded work release units.

Steve Rose, Staff Attorney, General Research Division, reported on the study of reimbursement for female inmates in local confinement facilities. A motion to have the State reimburse counties for the expenses to house female inmates on the same basis as male inmates was passed.

Representative Barnes then presented a proposal from the Co-Chairmen of the Committee. The proposal was a position paper concerning the future direction of the Special Committee on Prisons and called for the Committee to employ a team of consultants to assist it in addressing the problems of the correctional system. A motion was passed to endorse the proposal as the Committee's recommended new direction and to have it presented to the Joint Legislative Commission on Governmental Operations for adoption.

After a presentation by Carolyn Wyland showing the costs of intensive and regular probation, George Barnes, Assistant Director of the Division of Adult Probation and Parole, presented a report on the future needs of the adult probation and parole program. The Committee finished its business by

receiving information on the needs of the Community Penalties Program from Dennis Schrantz of the Division of Victim and Justice Services of the Department of Crime Control and Public Safety.

March 17, 1988

With Senator David Parnell presiding, the Committee began this meeting by passing a motion to go into Executive Session for the purpose of hearing a report on prison property matters from Charles L. Holliday, Director of the State Property Office. Following the report, Senator Parnell adjourned the Executive Session.

The general meeting began with a report from Representative Anne Barnes on the decision from the Joint Legislative Commission on Governmental Operations to endorse the proposed new direction for the Special Committee on Prisons. Representative Barnes then introduced Mark Corrigan, Director of the Criminal Justice Public Policy Center at Brandeis University and also Director of the National Institute for Sentencing Alternatives.

Mr. Corrigan outlined the purposes of the Institute and stated that it was working in about twenty states on problems involving sentencing and corrections. After describing some key issues concerning the Committee's goal of developing a balanced system of justice, Mr. Corrigan remained on hand for a lengthy period of questions and discussion.

Next, Les Stevens, Budget Analyst of the Office of State Budget, discussed the status of the Emergency Prison Facilities Fund. Bob Mooneyham, Assistant Secretary for Management for the Department of Correction, then gave a report on capital improvement projects within the Department.

Joe Hamilton, Director of the Division of Prisons, presented information on modular housing. Mr. Hamilton compared the costs of purchasing new units with the costs of repairing the existing units. The Committee completed its meeting with a presentation by Dwight Jarvis, Youth Command Manager of the Division of Prisons, on the newly planned "Shock Incarceration" program known as IMPACT (Intensive Motivational Program of Alternative Correctional Treatment).

April 7, 1988

The Committee received the Executive Summary of the Report to the Special Committee on Prisons on HB 50, "An Act To Develop a

Program for Academic and Vocational Education Training in the Department of Correction". Neill McLeod, Associate Executive Vice President of the Department of Community Colleges, and Jennie Lancaster, Chief of Program Services of the Division of Prisons, made a joint presentation of the master plan for academic and vocational education services for inmates and the costs associated with implementing such a plan.

Joe Hamilton, Director of the Division of Prisons presented the costs of providing the Division of Prisons with a full-time central medical director (M.D.) and each unit with a full-time nurse and a one-half time clerk to work in the medical services area.

The Committee then considered recommendations set forth by the Chairmen and adopted the following final recommendations to be made to the 1988 Session of the General Assembly.

RECOMMENDATIONS

SATELLITE JAIL FUND

Recommendation:

Consistent with the recommendation of the Special Committee on Prisons to the 1987 General Assembly, recommend approval of Senate Bill 40 to appropriate funds to establish a twenty-million dollar (\$20,000,000) State grant fund for counties or groups of counties to construct new buildings or renovate existing buildings for use as satellite jail/work release units. These facilities would be made available to certain misdemeanants who receive active sentences. (Cost: \$20,000,000 in SB 40)

Rationale:

Only seven states incarcerate misdemeanants in their state prison systems. North Carolina is one of the seven.

On March 15, 1988, North Carolina's misdemeanor population was 2,550 out of a total population of 17,243 inmates in the State system. Misdemeanant admissions account for 44% of all admissions to the prison system and utilize expensive resources that could be better spent on more serious offenders.

The primary purposes of this grant program are to encourage counties to accept responsibility for incarcerated non-violent misdemeanants, thereby relieving the state prison system of its misdemeanor population, and to assist counties in providing suitable facilities for certain misdemeanants who receive active sentences. Inmates who are serving sentences in State or local facilities would be eligible, thus relieving over-crowding in both prisons and local confinement facilities. It is believed that by eliminating the time involved in processing persons through the state system, more misdemeanants who are employed at the time of sentencing will be able to retain their jobs. This will enable them to pay for their upkeep while serving time, to pay restitution, to continue to support their dependents, and to remain near the communities and families to which they will return after serving their time. Another objective of the program is to save additional tax money by 1) providing more appropriate, cost effective new housing for certain minimum custody misdemeanants or 2) utilizing vacant buildings suitable for renovation. It is believed that such facilities will offer a better rehabilitative atmosphere for non-violent misdemeanants than that experienced when they are incarcerated with violent inmates and those criminals convicted of more serious crimes.

FUND ADDITIONAL MEDIUM-CUSTODY BEDS

Recommendation:

Recommend that the \$8,607,000 for construction of ten 28-bed single cell units that was recommended by the Special Committee on Prisons to the 1987 General Assembly and is contained in SB 41 be approved to construct six 100-bed South Piedmont style medium custody dormitories at existing facilities and that physical support system improvements be made if necessary. (The \$8,607,000 request does not necessarily cover the costs of support system improvements. Those costs are subject to site selection.) This action would be in lieu of the ten 28-bed single cell units originally proposed. (Estimated cost: \$8,607,000 in SB 41)

Rationale:

The Special Committee on Prisons recommended to the 1987 General Assembly that \$8,607,000 be appropriated to construct up to ten 28-bed single cell units at existing minimum and medium custody facilities. There is a need for 600 additional medium custody beds. It is believed that the 100- bed South Piedmont style dormitory offers appropriate housing for medium custody inmates.

These funds have been requested in SB 41. This recommendation would amend SB 41 in regard to the type of facility constructed.

PROVIDE FUNDING FOR CONTINUATION AND
EXPANSION OF COMMUNITY PENALTIES PROGRAMS

Recommendation:

Recommend continuation for FY 1988-89 of funds appropriated by the 1987 General Assembly to support four new Community Penalties programs, and eight existing programs, and provide for partial central administrative costs. (Cost: \$205,800)

Recommend funding to provide for: 1) 85% State support of the twelve existing programs, 2) annualization of costs for and moderate expansion of services by the four new programs begun by the 1987 General Assembly in Durham, Orange/Chatham, Gaston, and Jacksonville, and 3) expansion of the eight other existing programs to the level recommended by the Special Committee on Prisons in 1987. (Estimated cost: \$150,598).

Provide funds to implement three new programs at 90% State share. One program would be located in Mecklenburg County and two programs would be in the First Superior Court Division. (They would be located in the Northeastern and Central Eastern parts of the State). (Estimated cost: \$180,000)

Provide additional funds for increased administrative costs. (Cost: \$27,500)

Total Cost: \$563,898

Rationale:

In 1987 the Special Committee on Prisons recommended that \$413,946 be appropriated to support six new Community Penalties programs, to further expand the eight existing programs, and to support central administrative costs for the programs. The one-year appropriation of \$205,800 has limited the expansion of new and existing programs and has provided State support at a level of 80% rather than 85%.

It is proven that the Community Penalties programs effectively divert prison-bound offenders to community alternatives. For this reason, the program should be expanded to serve three new areas and the existing programs should be expanded to the level recommended by the Special Committee on Prisons in 1987. These programs have traditionally been funded at 90% State share the first year and 85% thereafter.

CONTINUE FUNDING FOR INTENSIVE SUPERVISION TEAMS,
PAROLE OFFICERS, AND PRE-PAROLE INVESTIGATORS

Recommendation:

Continue funding in FY 1988-89 and beyond for the five two-person intensive supervision teams that were funded by the 1987 General Assembly. (Estimated cost: \$351,533)

Continue funding in FY 1988-89 of 7 parole officers and 7 pre-parole investigators that were funded by the 1987 General Assembly. (Estimated cost: \$405,642)
(Total Estimated cost: \$757,175)

Rationale:

The 1987 General Assembly funded an additional five two-person intensive supervision teams, seven parole officers, and seven pre-parole investigators for FY 1987-88 in order 1) to provide additional alternatives to incarceration, and 2) to supervise the increased number of inmates being paroled as a result of prison stabilization legislation in effect through June 30, 1989.

It is projected that the five intensive supervision teams will be utilized as an effective alternative to incarceration for a total of approximately 175 offenders during FY 1987-88. Funding for these teams should be continued in the future. (These new teams are located in Surry County, Henderson and Buncombe Counties, Rutherford and McDowell Counties, Vance and Franklin Counties, and Greene and Lenoir Counties.)

The seven additional probation/parole officers and seven pre-parole investigator positions became operational in April 1987 to investigate cases for parole and supervise additional parolees under the prison stabilization legislation. The parole caseload increased 39 percent in 1987 and the projected average caseload will rise to 80 cases per officer by December, 1988. The recommendation of the Special Committee on Prisons in 1986 was to maintain a caseload of 56 per parole officer.

REDUCE REGULAR PROBATION CASELOAD

Recommendation:

Consistent with the recommendation to the 1986 Session of the General Assembly from the Special Committee on Prisons to reduce the regular probation caseload to 95 per officer, recommend that additional funds be appropriated to achieve this reduction. (Estimated cost: \$3,362,161)

Rationale:

On December 31, 1985 there were approximately 58,000 probationers and 491 probation officers for a caseload of 118 per officer. The 1986 General Assembly approved 52 additional officers and seven support personnel for FY 1986-87 to reduce the caseload to approximately 110 per officer. By February 29, 1988, there were 64,690 probationers for a caseload of 119 per officer. The projected number of probationers for June 30, 1988 is expected to reach 66,475 for a caseload of 122 per officer.

It is believed that a reduced caseload will allow officers to provide more effective supervision and that the caseload should be limited to 95 per officer. A total of 201 positions (157 officers, 22 supervisors, and 22 support staff) are needed to achieve this reduction during FY 1988-89 based on the projected caseload of 66,475 by June 30, 1988.

EXPANSION OF INTENSIVE SUPERVISION

Recommendation:

Expand intensive supervision for a selected group of felons and misdemeanants who do not appear to be a physical threat to the community. The number of teams would be expanded by ten (10) two-person teams and could provide supervision to an additional 220 prison-bound offenders. (Estimated cost: \$649,822)

Rationale:

There are currently fifty (50) intensive probation/parole supervision teams in the State which have the capacity to supervise 1,340 prison-bound offenders. The forty-four two-person teams supervise up to twenty-five offenders each and six three-person teams supervise up to forty offenders each. This recommendation would provide funding for ten new teams for intensive supervision of an additional 220 prison-bound offenders by converting two of the three-person teams to two-person teams and providing for eighteen additional positions. New teams would be added in Forsyth, Gaston, Guilford, Iredell, Mecklenburg (2), and Orange-Chatham. New locations for teams include Davidson-Davie, Granville-Person, and Wilson-Southern Nash.

REIMBURSE COUNTIES FOR FEMALE INMATES

Recommendation:

Enact legislation and appropriate funds to reimburse counties for female inmates on the same basis as male inmates. (Legislation is being prepared to authorize the Department of Correction to use existing funds for this expense and to report these expenses to the 1989 General Assembly.)

Rationale:

Presently there is no State reimbursement for females serving sentences of 30 days or more in county jails. Female offenders are not remanded to the Department of Correction unless they have sentences of at least 180 days (G.S. 148-27). The State does reimburse counties for male inmates serving sentences of 30 days or more. G.S. 15A-1352 requires that any misdemeanor, male or female, sentenced to 180 days or less be housed in a facility other than one maintained by the Department of Correction, and the burden of housing such inmates falls upon the local confinement facilities. Since G.S. 148-32.1 only provides for the reimbursement of the expenses to house male inmates sentenced to 30 days or more at local confinement facilities, there is inconsistent treatment with regard to the reimbursement to counties for housing female inmates.

In addition to paying \$12.50 per day per inmate, counties would also be reimbursed for extraordinary medical expenses incurred for these female inmates in accordance with G.S. 148-32.1.

HOUSE ARREST WITH ELECTRONIC SURVEILLANCE

Recommendation:

Recommend that the pilot house arrest with electronic surveillance program in Forsyth County be expanded to an additional 70 offenders in Forsyth County and 100 offenders in Wake County. (Estimated cost: \$253,116)

Rationale:

A pilot house arrest program for thirty persons was implemented in Forsyth County in 1987 to divert felons and misdemeanor offenders from prison who could be safely supervised in the community. A maximum of thirty individuals at one time can participate in the program. Electronic surveillance is being used for offenders who have been targeted for intensive supervision but for whom a slot is not available. Individuals who are placed on intensive probation do not also participate in the house arrest program.

This program has been successfully implemented in other states and has been shown to be an effective alternative to incarceration. Existing probation/parole officers monitor the offenders once appropriate equipment is purchased.

The initial cost of the program was approximately \$1,643 per offender in FY 1987-88 due to cost of purchasing the necessary equipment. The cost of the pilot program is projected to decrease to \$260 per offender during FY 1988-89 of which \$202 is for equipment maintenance.

Due to the large number of offenders from Forsyth and Wake Counties, it would be appropriate to expand the program in those locations.

SUPPORT FOR IMPACT PROGRAM

Recommendation:

If the Department of Correction requests funds to implement the Intensive Motivational Program of Alternative Correctional Treatment for Committed Youthful Offenders being incarcerated for the first time, the Special Committee on Prisons would support the request in principle provided the target population is satisfactorily defined. (The estimated cost is \$600,646 but this amount is not included in the operating budget recommendation from the Special Committee on Prisons).

Rationale:

As originally presented by the Department of Correction, the Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) is designed for high-risk Committed Youthful Offenders, under age 25, who have sentences of five years or less. The main goal of this program is to provide a ninety-day intensive military model discipline oriented program as an alternative to long-term incarceration. A post release program will be designed for the inmate and he will be under supervised parole.

Inmates who complete the program successfully will be paroled and participate in those programs designed to guide their adjustment and participation in lawful community activities.

SUMMARY OF RECOMMENDED APPROPRIATIONS

Operating:

Department of Correction	\$ 5,022,274
Department of Crime Control & Public Safety	563,898
Total Operating	<u>\$ 5,586,172</u>

Capital:

Office of State Budget and Management	\$28,607,000
Total	<u>\$34,193,172</u>

Total Beds To Be Constructed in the Department of Correction	600
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SUMMARY OF COST SAVINGS OF DIVERSIONARY PROGRAMS

<u>Recommendation</u>	<u>No. Diverted</u>	<u>FY 1988-89 Cost to Divert</u>	<u>Cost To Imprison*</u>
Continue Funding for Intensive Supervision Teams	125	\$ 351,533	\$1,544,406
Expansion of Intensive Supervision	220	649,822	2,718,155
House Arrest With Electronic Surveillance	170	253,116	2,100,393
	<u>515</u>	<u>\$1,254,471</u>	<u>\$6,362,954</u>

*Based on average daily cost in FY 1986-87 of \$33.85/inmate

The recommendation to Provide Funding for Continuation and Expansion of Community Penalties Programs would divert an additional 293 individuals from prison at a cost of \$563,898 for FY 1988-89. However, the cost of imprisoning these diversions cannot be calculated since the individuals might not receive a sentence of at least one year.

PROPOSED LEGISLATION

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1987

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SENATE BILL 41

Proposed Committee Substitute S41-CSLE-50

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Prison Construction Funds.

(Public)

Sponsors:

Referred to: Appropriations

February 18, 1987

1 A BILL TO BE ENTITLED

2 AN ACT TO APPROPRIATE FUNDS TO IMPROVE THE STATE PRISON SYSTEM.

3 The General Assembly of North Carolina enacts:

4 Section 1. There is appropriated from the General Fund
5 to the Office of State Budget and Management for the 1988-89
6 fiscal year the sum of eight million six hundred seven thousand
7 dollars (\$8,607,000) to construct up to six 100-bed South
8 Piedmont-style medium custody dormitories at existing facilities
9 and to make the necessary physical support system improvements at
10 the facilities. These units shall be constructed using the
11 design of existing units. In selecting the location of these
12 facilities, the Office of State Budget and Management shall give
13 priority to locations at which existing physical support systems
14 most nearly meet the needs of the new facilities.

15 Sec. 2. The Office of State Budget and Management may
16 contract for and supervise all aspects of design, construction,
17 or demolition of prison facilities designated in this act without

1 being subject to the requirements of the following statutes and
2 rules implementing those statutes: G.S. 129-42(1), 129-42.2,
3 143-128, 143-129, 143-132, 143-134, 143-131, 143-64.10 through
4 143-64.13, 113A-1 through 113A-10, 113A-50 through 113A-66, 133-
5 1.1(b), and 133-1.1(g). All contracts for the design,
6 construction, or demolition of these facilities shall include a
7 penalty for failure to complete the work by a specified date.

8 This section expires upon completion of the capital projects
9 designated in this act.

10 The Office of State Budget and Management shall report to the
11 cochairmen of the Prison Construction Subcommittee of the Joint
12 Legislative Commission on Government Operations at least once a
13 month on the capital projects designated in this act. The report
14 shall include information on which contractors have been
15 selected, what contracts have been entered into, the projected
16 and actual occupancy dates of facilities contracted for, the
17 number of prison beds to be constructed on each project, the
18 location of each project, and the projected and actual cost of
19 each project.

20 Sec. 3. This act shall become effective July 1, 1988.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1987

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88C-RE-004D

THIS IS A DRAFT 4-14-88 10:00 a.m.

Short Title: Inmate Reimbursement.

(Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MAKE REIMBURSEMENTS AVAILABLE FOR THE EXPENSES TO HOUSE
FEMALE INMATES AT LOCAL CONFINEMENT FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 148-32.1(a) reads as rewritten:

"(a) The Department of Correction shall pay each local
confinement facility a standard sum set by the General Assembly
in its appropriation acts at a per day, per inmate rate, for the
cost of providing food, clothing, personal items, supervision and
necessary ordinary medical services to those ~~male~~ inmates
committed to the custody of the local confinement facility to
serve sentences of 30 days or more. This reimbursement shall not
include any period of detention prior to actual commitment by the
sentencing court. The Department shall also pay to the local
confinement facility extraordinary medical expenses incurred for
the inmates, defined as follows:

(1) Medical expenses incurred as a result of providing health
care to an inmate as an inpatient (hospitalized);

1 (2) Other medical expenses when the total cost exceeds thirty-
2 five dollars (\$35.00) per occurrence or illness as a result of
3 providing health care to an inmate as an outpatient
4 (nonhospitalized); and

5 (3) Cost of replacement of eyeglasses and dental prosthetic
6 devices if those eyeglasses or devices are broken while the
7 inmate is incarcerated, provided the inmate was using the
8 eyeglasses or devices at the time of his commitment and then only
9 if prior written consent of the Department is obtained by the
10 local facility."

11 Sec. 2. (a) Notwithstanding G.S. 143-23 or any other
12 provision of law, for the 1988-89 fiscal year lapsed salary funds
13 in the Department of Correction and any other funds available to
14 the Department of Correction may be used to reimburse each local
15 confinement facility as provided by G.S. 148-32.1 for female
16 inmates committed to those facilities.

17 (b) The Department of Correction shall keep a separate
18 accounting of reimbursements made under G.S. 148-32.1 to local
19 confinement facilities for female inmates for the 1988-89 fiscal
20 year.

21 (c) The Department of Correction shall report the cost of
22 reimbursing local confinement facilities for female inmates
23 committed to those facilities and shall provide an accounting of
24 those expenses to the 1989 General Assembly and the Fiscal
25 Research Division, no later than April 15, 1989.

26 Sec. 3. This act shall become effective July 1, 1988.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1987

H

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88C-RE-004G

THIS IS A DRAFT April 5, 1988 12:30 P.M.

Short Title: Community Service Parole Expansion. (Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE COMMUNITY SERVICE PAROLE AVAILABLE TO PERSONS
3 OTHER THAN JUST THOSE SERVING THEIR FIRST ACTIVE SENTENCE.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 15A-1371(h)(1) reads as rewritten:
6 "(h) Community Service Parole. Notwithstanding the provisions
7 of any other subsection herein, certain prisoners specified
8 herein shall be eligible for community service parole, in the
9 discretion of the Parole Commission.
10 Community service parole is early parole for the purpose of
11 participation in a program of community service under the
12 supervision of a probation/parole officer. A parolee who is
13 paroled under this subsection must perform as a condition of
14 parole 32 hours of community service for every month of his
15 remaining active sentence, until at least his minimum sentence
16 (if he was sentenced prior to July 1, 1981), or one-half of his
17 sentence imposed under G.S. 15A-1340.4 has been completed by such
18 community service, at which time parole may be terminated.

1 The probation/parole officer and the community service
2 coordinator shall develop a program of community service for the
3 parolee. The parolee must as a condition of parole complete at
4 least 32 hours of community service per 30-day period. The
5 community service coordinator shall report any willful failure to
6 perform community service work to the probation/parole officer.
7 Parole may be revoked for any parolee who willfully fails to
8 perform community service work as directed by a community service
9 coordinator. The provisions of G.S. 15A-1376 shall apply to this
10 violation of a condition of parole.

11 Community service parole eligibility shall be available to a
12 prisoner:

- 13 (1) Who is serving ~~his first~~ an active sentence the term of
14 which exceeds one year; and
- 15 (2) Who, in the opinion of the Parole Commission, is
16 unlikely to engage in further criminal conduct; and
- 17 (3) Who agrees to complete service of his sentence as herein
18 specified; and
- 19 (4) Who has served one-half of his minimum sentence (if he
20 was sentenced prior to July 1, 1981), or one-fourth of a
21 sentence imposed under G.S. 15A-1340.4.

22 ~~For purposes of subdivision (1), a person is considered to be~~
23 ~~serving his first active sentence the term of which exceeds one~~
24 ~~year if he~~

- 25 ~~a. Was convicted or sentenced in the same session of court~~
26 ~~of multiple offenses arising from the same transaction~~
27 ~~or series of transactions or his probationary sentence~~
28 ~~was revoked in the same such session of court,~~
- 29 ~~b. Is serving an active sentence of at least one year for~~
30 ~~one of the multiple offenses described in sub-~~
31 ~~subdivision a., and~~
- 32 ~~c. Had not received an active sentence of a(t) least one~~
33 ~~year prior to being sentenced for the multiple offenses~~
34 ~~described in sub-subsection a.~~

In computing the service requirements of subdivision (4) of this subsection, credit shall be given for good time and gain time credit earned pursuant to G.S. 148-13. Nothing herein is intended to create or shall be construed to create a right or entitlement to community service parole in any prisoner."

Sec. 2. G.S. 15A-1380.2(h)(1) reads as rewritten:

"(h) Community Service Parole.--Notwithstanding the provisions of any other subsection herein, certain prisoners specified herein shall be eligible for community service parole, in the discretion of the Parole Commission.

Community service parole is early parole for the purpose of participation in a program of community service under the supervision of a probation/parole officer. A parolee who is paroled under this subsection must perform as a condition of parole 32 hours of community service for every month of his remaining active sentence, until at least his minimum sentence (if he was sentenced prior to July 1, 1981), or one-half of his sentence imposed under G.S. 15A-1340.4 has been completed by such community service, at which time parole may be terminated.

The probation/parole officer and the community service coordinator shall develop a program of community service for the parolee. The parolee must as a condition of parole complete at least 32 hours of community service per 30-day period. The community service coordinator shall report any willful failure to perform community service work to the probation/parole officer. Parole may be revoked for any parolee who willfully fails to perform community service work as directed by a community service coordinator. The provisions of G.S. 15A-1376 shall apply to this violation of a condition of parole.

Community service parole eligibility shall be available to a prisoner:

- (1) Who is serving ~~his first~~ an active sentence the term of which exceeds one year; and

- (2) Who, in the opinion of the Parole Commission, is unlikely to engage in further criminal conduct; and
- (3) Who agrees to complete service of his sentence as herein specified; and
- (4) Who has served one-half of his minimum sentence (if he was sentenced prior to July 1, 1981), or one-fourth of a sentence imposed under G.S. 15A-1340.4.

~~For purposes of subdivision (1), a person is considered to be serving his first active sentence the term of which exceeds one year if he~~

- ~~a. Was convicted or sentenced in the same session of court of multiple offenses arising from the same transaction or series of transactions or his probationary sentence was revoked in the same such session of court,~~
- ~~b. Is serving an active sentence of at least one year for one of the multiple offenses described in sub-subdivision a., and~~
- ~~c. Had not received an active sentence of a{t} least one year prior to being sentenced for the multiple offenses described in sub-subsection a.~~

In computing the service requirements of subdivision (4) of this subsection, credit shall be given for good time and gain time credit earned pursuant to G.S. 148-13. Nothing herein is intended to create or shall be construed to create a right or entitlement to community service parole in any prisoner."

Sec. 3. This act is effective upon ratification.

APPENDICES



OFFICE OF THE LIEUTENANT GOVERNOR
STATE OF NORTH CAROLINA
RALEIGH 27611

ROBERT B. JORDAN III
LIEUTENANT GOVERNOR

October 30, 1987

MEMORANDUM

TO: Senator David Parnell
Senator Helen Marvin
Senator Robert S. Swain
Senator Jim Johnson
Senator Bill Martin

FROM: Bob Jordan

RE: Special Committee on Prisons

This is to formally notify you that Speaker Ramsey and I would like for the Special Committee on Prisons to continue with the work begun December, 1985.

There are still many issues that need to be addressed, and the actions taken in the past are just a first step toward relieving overcrowding and improving our prison system. Your work in the months ahead is very important in helping North Carolina deal with this issue.

Senator Parnell will continue to serve as Senate Co-Chairman and will notify you of the first meeting in the near future.

BJ/ee

CC: The Honorable Liston Ramsey
The Honorable Lacy Thornburg
Ms. Grace Collins
Ms. Sylvia Fink
Terry Sullivan

Linda Powell
Legislative Library
State Library
State Disbursing Office

North Carolina
House of
Representatives



Liston B. Ramsey, Speaker

Raleigh 27611

(919) 733-3451

October 30, 1987

MEMORANDUM

To: Representatives Anne Barnes
Charles Beall
Jim Craven
C. R. Edwards
John Kerr

From: Liston B. Ramsey

LBR/rl

Re: Appointment of Special Committee on Prisons

I am pleased to advise that the Lieutenant Governor and I would like for the Special Committee on Prisons to continue with the work begun in December, 1985. You are charged with the responsibility of looking at our various prison units scattered throughout the State and report back with your recommendations as to what should be done to upgrade our physical facilities so as to meet federal guidelines if there are any. You may also study the feasibility of requiring the Department of Correction to pay each local confinement facility a standard sum to be set by the General Assembly for the cost of housing female inmates committed there.

Representative Barnes will continue to serve as House Co-Chairman of this Special Committee. You should be hearing something from her in the near future as to when your first meeting is scheduled.

LBR:dhb

cc: Lt. Governor Robert Jordan, III
Mrs. Grace Collins
Mr. Terry Sullivan
Mr. George Hall
Ms. Sylvia Fink
Attorney General Lacy Thornburg
Mrs. Linda Powell, Governmental Operations

Legislative Library
State Library
State Disbursing Office
Ms. Stephanie Bass, Ex. Dir.
NC Center on Crime & Punishment

APPENDIX II

SPECIAL COMMITTEE ON PRISONS

MEMBERSHIP

Senator David R. Parnell
Co-Chairman
Post Office Box 100
Parkton, N.C. 28371

Senator James C. Johnson, Jr.
29 Church Street, S.E.
Concord, N.C. 28025

Senator William N. Martin
Post Office Box 21363
Greensboro, N.C. 27420

Senator Helen R. Marvin
119 Ridge Lane
Gastonia, N.C. 28054

Senator Robert S. Swain
612 Northwestern Bank Bldg.
Asheville, N.C. 28801

Representative Anne C. Barnes
Co-Chairman
313 Severin Street
Chapel Hill, N.C. 27514

Representative Charles Beall
Route 2, Box 322
Clyde, N.C. 28721

Representative James M. Craven
Post Office Box 44
Pine Bluff, N.C. 28373

Representative C.R. Edwards
1502 Boros Drive
Fayetteville, N.C. 28303

Representative John H. Kerr, III.
232 Ridgewood Drive
Goldsboro, N.C. 27530

STAFF

Carolyn H. Wyland
Senior Fiscal Analyst
Fiscal Research Division
N. C. General Assembly

Michele T. Nelson
Fiscal Analyst
Fiscal Research Division
N. C. General Assembly

Steven Rose
Attorney
General Research Division
N. C. General Assembly

Reynold S. Allen
Attorney
General Research Division
N. C. General Assembly

Shirley Phillips
Committee Clerk
N. C. General Assembly

PERSONS MAKING PRESENTATIONS

Franklin Freeman, Administrative Officer of the Courts
North Carolina Judicial Department

George Barnes, Assistant Director
Division of Adult Probation and Parole
North Carolina Department of Correction

Buddy H. Humphrey, Budget Analyst
Office of State Budget
Office of the Governor

Leslie R. Stevens, Budget Analyst
Office of State Budget
Office of the Governor

Neill McLeod, Ph.D., Associate Executive Vice President
North Carolina Department of Community Colleges

Jennie L. Lancaster, Chief of Program Services
Division of Prisons
North Carolina Department of Correction

Harry Ballard, Correctional Program Director III
Division of Prisons
North Carolina Department of Correction

Lynn Phillips, Deputy Director
Division of Prisons
North Carolina Department of Correction

Patrice Roesler, Director of Intergovernmental Programs
North Carolina Association of County Commissioners

Carolyn H. Wyland, Senior Fiscal Analyst
Fiscal Research Division
North Carolina General Assembly

Ernest E. Phillips, Deputy Director
Division of Facility Services
North Carolina Department of Human Resources

Steven Rose, Attorney
General Research Division
North Carolina General Assembly

Charles L. Holliday, Director
State Property Office
North Carolina Department of Administration

Mark D. Corrigan, Director
Criminal Justice Public Policy Center
Brandeis University

Bobby J. Mooneyham, Assistant Secretary for Management
Office of the Secretary
North Carolina Department of Correction

Joseph Hamilton, Director
Division of Prisons
North Carolina Department of Correction

Dwight Jarvis, Youth Services Commander
Division of Prisons
North Carolina Department of Correction

APPENDIX IV

INFORMATION PRESENTED TO THE COMMITTEE

Data on Intensive Probation/Parole Supervision Program

Data on House Arrest (Electronic Surveillance) Program

Report on Emergency Prison Facilities Development Fund

"Sentencing and State Corrections: Overcrowding in the Prisons"
Institute of Government, University of North Carolina, 1987

Progress Report on Development of Master Plan for Academic and
Vocational Education Training in the Department of Correction

1987 Appropriations Related to Recommendations by the
Special Committee on Prisons

Data on Cost of Probation/Parole, Intensive Probation/Parole,
and Incarceration

Comparison of Proposed Standards for Minimum Security Confinement
Facilities to Existing Minimum Standards for Local Confinement
Facilities

Comparison of Proposed Standards for Minimum Security Units
(Jails) with Proposed Standards for Satellite Jail/Work Release
Units

Proposed Standards for the Operation and Construction of Local
Confinement Facilities

Proposed Standards for the Operation and Construction of County
Satellite Jail/Work Release Units

Proposal from Co-Chairman Barnes and Parnell

Reimbursement to Jails for Costs of Inmates

Data on Funding of Positions Established by Emergency Prison
Facilities Legislation

Data on Funding for Community Penalties Program

Clarification of Charge to the Special Committee on Prisons

Report on Capital Improvements - Department of Correction

Modular Housing Review - Department of Correction

The IMPACT Program

Executive Summary of the Report to the Special Committee on
Prisons on HB 50, An Act To Develop a Program for Academic and
Vocational Education Training in the Department of Correction

PROPOSAL TO THE SPECIAL COMMITTEE ON PRISONS

February 12, 1988

From: Representative Anne Barnes and Senator David Parnell
Co-Chairs

Recent Accomplishments in Criminal Justice in North Carolina

Since 1985, approximately \$90,000,000 in expansion operating funds and capital funds have been appropriated to the Department of Correction, Department of Crime Control and Public Safety, and the Judicial Department to improve the criminal justice system. The increased operating funds primarily provided for additional staff at existing prison units, staff for newly constructed facilities, victim and witness assistants, intensive juvenile supervision, and increases in community programs for offenders through additional intensive probation/parole teams, probation officers, parole officers, pre-parole investigators, community penalties programs, and community service workers. The capital funds provided for construction of new beds, replacement of some existing beds, renovation of existing dormitories at all field units, repairs and renovations of support systems (sewage, water, electrical, heating), and construction of vocational, multipurpose, and recreational buildings and chapels.

The appropriation of these new funds for fiscal years 1985-86 through 1988-89 and the progress made in carrying out the intent of the General Assembly for expenditure of them has been valuable in strengthening the State's position in prison litigation. The "cap" placed on the prison population until June 30, 1989, has provided the State with a "window of time" to more thoroughly examine its criminal justice system for long-term solutions and improvements.

Future Direction and Goals

Because of the emergency that brought the Special Committee on Prisons into being, it has been necessary to concentrate on finding immediate relief. The Committee has accomplished its immediate task effectively. Now it is time to develop goals, policies, and programs that address the system itself.

It is time to ensure that North Carolina has a balanced system of justice: 1) that is based on sound, clearly defined goals and policies; 2) that has a full and balanced continuum of sanctions and rehabilitation services from no or little supervision to incarceration and exit alternatives; 3) that addresses the factors contributing to an individual offender's behavior; 4) that teaches competencies to replace offense behavior; and 5) that always requires accountability through restitution, community service, or other methods. The Committee should focus its efforts now on examining the strengths and weaknesses of our existing goals, policies, and programs, on redefining goals and policies where needed, and on developing a more comprehensive

criminal justice system.

For example, some broad goals of a criminal justice system may be to:

- 1) Ensure fair and appropriate punishment;
- 2) Compensate crime victims and society;
- 3) Protect the public;
- 4) Rehabilitate the offender;
- 5) Deter crime.

Steps in Developing a Comprehensive Criminal Justice System

Development of a comprehensive system is a multi-stage process in which the following steps might be accomplished:

1) Determine and prioritize goals such as those noted above, plus any additional new or existing ones. This will enable us to determine exactly what we are trying to accomplish with our criminal justice system.

2) Determine whether these established goals are being attained, and, if not, define the means to attain them.

3) Develop broad and specific policies to meet each prioritized goal.

4) Identify existing and new resources that will help achieve these policies together with an analysis of costs and benefits of each resource.

5) Specify appropriate usage and allocation of resources, and adjust prescribed levels of punishment where necessary.

Sentencing Guidelines Commission

It is important to recognize that when the General Assembly prescribes punishments for offenses, the Judge imposing punishment in specific cases is allocating the State's penal resources.

For the most part, the State's criminal laws have defined large categories of crimes and broad ranges of punishments. With defined goals, policies and resources in place, it will be possible to develop more specific crime categories and various gradations within each category. Following this delineation, it would be desirable to coordinate the category and grade of the category with the appropriate sentence, i.e. resource allocation.

Once goals and policies are defined, it may be desirable to establish a sentencing guidelines commission to develop and recommend specifics for each category. This commission could begin by breaking down broad crime definitions into specific categories of criminal behavior, and then deciding which penal resource should be allocated to each category.

State-Local Interrelationship

There is also a need to define more clearly the State's responsibility versus local responsibility in the delivery of services in the criminal justice system. There is further need, where applicable, to establish an overall continuum of sanctions and rehabilitative services through both state and local effort and investment in the criminal justice system.

The overall continuum for the system could range from payment of fines to incarceration. A more complete continuum for community sanctions could include community work release, house arrest, group home placement, various levels of probation/parole supervision, community service, therapeutic treatment, education and training, restitution, and payment of fines, or any combination(s) of these sanctions.

Responsibility for Developing Comprehensive System

The Legislature must take the lead in shaping law and formulating the underlying policies by which government operates. In order for the State of North Carolina to move forward in this area, your Committee Co-Chairs suggest that the Special Committee on Prisons be the vehicle for examining existing and desired goals, policies, and resources of the criminal justice system, and for developing the plan for a comprehensive system based on those goals and policies.

This includes developing stated policies on 1) the appropriate use of incarceration, 2) the appropriate use of community-based sanctions, 3) the rehabilitation of offenders, 4) the allocation of resources, 5) compensating crime victims and society, 6) fairness to victims of crime. The plan should ensure a unified system for administration of criminal justice programs. It must ensure that safe, humane imprisonment is available for all who should be incarcerated in accordance with stated goals and incarceration policies, and that a full continuum of appropriate alternatives is available and properly utilized.

PROPOSAL:

THAT THE SPECIAL COMMITTEE ON PRISONS

- 1) ACCEPT THE RESPONSIBILITY OF UNDERTAKING THIS TASK,
- 2) AUTHORIZE ITS CHAIRS AND STAFF TO PROCEED WITH ASSEMBLING A TEAM OF CONSULTANTS TO GUIDE THE COMMITTEE THROUGH THIS PROCESS,
- 3) SEEK NECESSARY FUNDING FROM THE LEGISLATIVE SERVICES COMMISSION.



Joint Legislative Commission On Governmental Operations
State Legislative Building
Raleigh, North Carolina 27611

MEMORANDUM

To: Representative Anne Barnes
Senator David Parnell

From: House Speaker Liston B. Ramsey
Lieutenant Governor Bob Jordan

LBK
RJS

Date: March 10, 1988

Re: Clarification of Charge to the Special Committee on Prisons

The Special Committee on Prisons has worked since 1985 on recommendations to the General Assembly to meet the "prison crisis" facing North Carolina. Many recommendations by the Committee were approved in the 1986 and 1987 Sessions including legislation for a "cap" placed on the prison population until June 30, 1989.

Now the State needs to examine long-term solutions for the criminal justice and corrections systems in North Carolina. A memorandum from Attorney General Lacy Thornburg on March 7, 1988, recommends "that the General Assembly charge a standing or special committee with the task of reviewing North Carolina's current prison, jail, and detention activities and recommending a state policy for incarceration. This policy would ensure a coordinated state administration of all confinement programs and better enable the State to respond to and defend itself from potential liability from prisoners' lawsuits."

Therefore, pursuant to the recommendation of the Co-Chairmen of the Special Committee on Prisons, the charge to the Special Committee on Prisons is clarified to include the proposal adopted by the Special Committee on February 12, 1988. (See attached Proposal.)

The Special Committee on Prisons will present its recommendations to the 1989 General Assembly for approval.

Any additional funds required for consultants must be approved by the Legislative Services Commission.

R&J:dhb

Attachment



